

**MINUTES
PURCELLVILLE TOWN COUNCIL
SPECIAL MEETING
JUNE 1, 2011**

The special meeting of the Purcellville Town Council was convened at 8:00 AM with the following attendance:

PRESENT: Robert Lazaro, Jr., Mayor
James Wiley, Vice Mayor
Joan Lehr, Council member
Greg Wagner, Council member
C.J. Walker, III, Council member
Keith Melton, Council member

ABSENT: Tom Priscilla, Jr., Council member

STAFF: Rob Lohr, Jr., Town Manager
Patrick Sullivan, Director of Community Development
Maureen Gilmore, Town Attorney
Jennifer Helbert, Town Clerk

CALL TO ORDER:

Mayor Lazaro called the Town Council meeting to order at 7:00 PM.

PUBLIC HEARING ITEM:

- a) **SUP 11-01 – Special Use Permit Application** – Deborah Krenzer (DBA The Accomplished Child) is requesting to operate a child day care center of up to 40 children ages 3 through 5th grade at 211 South 20th Street (known as the Old Rescue Squad Building) further identified by Loudoun County Tax Map Number /35A113/////1/ and PIN 488-27-8461-000.

Debbie Krenzer, applicant came forward to speak. Ms. Krenzer went over her proposal for the Council.

Ms. Krenzer stated that the Town had some conditions attached to the agenda and she has no problem with most of the conditions. She stated that the capacity of children is actually governed by the State licensing agency. She stated that one conditions states that she must be appropriately licensed by the Virginia Department of Social Services and the Department of Health prior to the issuance of an occupancy permit, she stated that she is working very closely with the State licensing department and it is common practice to have preschools

open without having the license for the short reason that there are exception to having to have the license and she is not opening as a licensed child care center until the Fall. She stated that the other condition would be the one talking about the noise level that originates from the outdoor recreation area shall not exceed 55 decibels as measured by any adjoining property line. She stated that a normal voice conversation standing three to five feet she is speaking in 60 and 70 decibels and it is being asked of her that if someone is standing on the other side of a fence that they would not hear anything over 55 decibels. She stated that she would not be able to enforce that as a teacher and as a resident in Locust Grove that doesn't happen at all.

Sue Russell of 201 South 20th Street came forward to speak. Ms. Russell read the following statement "Following the public hearing held by the Purcellville Planning Commission regarding the Special Use Permit Application to operate a child care center at the above referenced property which adjoins ours on the south side, we have engaged in a number of discussions with the applicant and the adjoining neighbors, and would like to revisit and comment on the points we had expressed at that time. Our primary concern continues to be with the impact on the value of our property and our ability to enjoy our home and garden with this proposed use. We remain concerned that enjoyment of our property and the property of our neighbors, many of whom are long-term residents and have made substantial investments in their properties, will be affected. The quality of residential living in this area has already been negatively impacted in recent years by increased traffic volume and noise, excessive street lighting and a parking lot that has been approved on the property adjoining us on our north side. It is difficult to find a location on our property where we can enjoy sitting outside without intrusive light or noise from non-residential resources. We are still of the opinion that the values of residential and residential/office properties in the neighborhood will be diminished. The Comprehensive Plan shows the majority of the current land use in the district to be R-3. The Comprehensive Plan also shows the map of planned land use for this district to be primarily R3-A. The intent of the R3-A land use category as laid out in the Comprehensive is to provide the option for limited professional office use in conjunction with an established residential use. Of primary consideration here should be the maintenance of a residential community and ensuring the viability of this kind of transitional area. There is a need to understand the impacts of noise, activity level, and traffic. These should not be just within tolerable levels; they should be controlled so the environment is pleasing. The district should be one that is sought out and desirable, due to location (convenience to downtown), and the non-intrusive nature of non-residential uses on residences. The amended R3-A ordinance passed in November 2009 was developed with significant input from property owners in the neighborhood with the intent that the business opportunities made possible through the ordinance would be compatible among themselves and with residential uses. Those uses reflect low impact office use and specifically excluded the operation of child day care centers as well as other regular and specially permitted uses normally available under R-3 zoning. While day care centers are permitted under R-3 as special uses, we have been told by the applicant and the Town staff that the rescue squad intends to request that the R3-A ordinance be amended to include day care centers. The idea of making such an accommodation for one property owner after the many hours of careful and collaborative

deliberation to define a cohesive district by many others is highly frustrating to us. The planning and ordinance documents should serve as guideposts grounded in a well thought out overarching vision, not as weather vanes changing direction with the latest wind. We continue to invest in the upkeep and enhancement of our property, but are increasingly asking ourselves to what purpose? I will note that the Comprehensive Plan states that with regard to R3-A, "rezoning of properties to this district may be considered where the change in lane use is supposed by the majority of surrounding property owners." She stated that she does go on in her letter to address a number of the concerns with regard to traffic, lighting, parking, noise and the nature of the proposed facility which she would like to address the last one. She read "we do remain concerned about the characterization of the nature of the use of the day care center to be no more than 40 children, when the application specifically refers to four sessions with up to 40 children per session. This represents a total of 160 children over a one day period. The proposed day care facility at the St. Andrews Presbyterian Church in Town is targeting a similar enrollment of 150. The playground area for that proposed church facility is located closest to the side adjoining commercial neighbors and is separated from residents by a very large parking lot. Mitigation measures notwithstanding, and I know that the applicant is trying to address our concerns, we feel the activity level of the proposed use at the Rescue Squad building is extreme given the proximity of the adjoining residents. The center will be operated seven days a weeks starting as early at 6:30AM and ending as late as 9PM, with large volumes of vehicle traffic moving onto and off of the property throughout the day."

Ed Neham of 201 South 20th Street came forward to speak. Mr. Neham stated that he would like to talk about this possible use should it be granted. He stated that the impact areas are principally traffic and noise, the traffic is a little hard to anticipate but he did put in the chart that Debbie referred to earlier that shows the number of arriving students and the number of arriving vehicles at different times of the day. He stated that what he does not have is the existing traffic those particular times of the day and one of the concerns is that when you layer on 30 or 40 vehicles arriving in a 20 minute time period on top of whatever is there for example the 6:00 PM until 6:30 PM rush hour period when people are trying to get home, there is a potential there for traffic difficulties and ways around that are going to have to be built by the Town and its resources. The other issue is the noise, Debbie had provided in previous submissions and he has found similar references, the noise at a playground boundary is in the mid 70 decibels and the property, especially on the west end which is Becky's property is very close to the playground and her house is very close to the fencing in between. He stated that as you can from the photographs that he supplied, you can see over the top of the fence from her property and he made reference from a noise authority that says "if you can see the source of the noise you are going to hear it so even if there is a fence but the fence is too low, as is the case here, you are going to still hear the noise", he stated because of the low fence the noise will still be disturb the living spaces surrounding this property. Mr. Neham stated that a fence can be built that has sound absorbing material and that would take about 20 decibels out of the equation so they are proposing a mitigation solution without know that the problem exists but they suspect that the problem will exist. The other thing that has been mentioned as far as noise is the use of trees and it turns out that trees provide very little

absorbing affect for noise and noise experts say that it would take approximately 100 feet of densely packed forest to take a bite out of the noise so a line of trees will not provide a noise buffer. Mr. Neham stated that the other comments that were submitted as a neighbor group had conditions that as it turns out are already in the Town's staff report and some are over and above what we are asking for.

Sue Johnson with the Purcellville Volunteer Rescue Squad came forward to speak. She stated that she is here to speak in favor of the accomplished child. She stated that we have worked with Debbie on this for almost a year now and our intent as far as a mission plan was to have something that we thought would be a wonderful endeavor for our community at large because that is our focus as far as the rescue squad itself and we still think this is a wonderful opportunity. She stated that the facility is made for this, to have an educational preschool come in, to support the community and we have nothing like this in Purcellville or anything like this in the Western end of the County so we believe it would be a huge endeavor and accomplishment for the Town. She stated that this will also be a for profit organization and will be paying taxes with parents and their children coming into downtown Purcellville to shop and eat and hopefully spend money so the Rescue Squad believes that this is a wonderful opportunity but she does understand the concerns of the neighbors.

Becky Krausman of 211 South 20th Street came forward to speak. She stated that her house is directly behind the facility proposed tonight. She stated that the proximity from her front porch to the beginning of the playground is approximately 15 feet so her issue is that there is no buffer zone between her property and the playground. She stated that the playground use is going to affect the whole use of the property, she stated that she currently has two Purcellville Police Officers as tenants that reside at the property and their bedrooms are only 25 feet from the playground. She stated that they work shift work and this could adversely affect their sleep and their jobs and could result in them moving. She has had a lot of tenants that work nights and sleep during the day and she believes that the noise would also limit the use if she wanted to rent the space out as office space because she doesn't believe that for instance an attorney would want to hear a lot of noise during the day so she believes this would adversely affect the economic value of her investment.

Watanna Valakis of 35866 Devonshire Square came forward to speak. Ms. Valakis stated that she is a potential parent for the school, she has a three year old that could go to the school. When she heard about the school it sounded incredible because there is nothing like this in the area and she believes that this school would make her son well rounded in every area and keep them at home more. She stated that as for the noise it seems to her that the sirens from the Rescue Squad would have been much louder than the noise from the children.

Paul Krenzer of 816 Woodbine Court came forward to speak. Mr. Krenzer stated that over the course of trying to fully understand the issues for this application he finds that the noise seems to be the biggest issue. He stated that he stood behind the fence and listened and noticed a tremendous amount of noise coming from Fireman's Field they thought about the fence that they have blocking them from the apartment complex and tried to simulate the

barrier between where they hear the noise and Fireman's Field so they took the big van and pulled it up there and listened and what they found was that the existing fence already limits the amount of noise plus most of the children will be smaller so whatever noise that carries will be buried by the fence. He stated that if there is an opportunity to have a fence go up between Fireman's Field and the apartment complex that would help more than extending the fence that they have.

Jeannie Baer of 17225 Pickwick Drive came forward to speak. Ms. Baer stated that she has been a professional artist for 18 years, mostly painting murals, she has taught art for as many years for students from two to adults, she has been a resident of Loudoun County for 20 years and nine of which have been in Purcellville. She stated that she hopes to help set up and run the art department for the Accomplished Child. She went on to discuss what they have planned for the art department.

Beverly Chiasson of 110 North 29th Street came forward to speak. Ms. Chiasson stated that she would like to echo her support for the Accomplished Child and Sue Johnson's remarks earlier. She stated that the Accomplished Child like the Rescue Squad that was there before is going to provide a service to the community and there is no doubt that many people are begging for this type of service in the Town. Earlier when she talked with Sue Johnson about the day care center she told her that it's not a day care center, it is much more and as she learned what they are going to provide she realized it is not a day care. Ms. Chiasson stated that at times people will come through Town to pick up their child or for special events and it's nice to have those people come to the old Town and frequent the businesses there. She stated that she had the opportunity to come to the Planning Commission a few weeks ago and the concerns she heard most were the traffic and the noise. She stated that some kids will be coming from kindergarten before and after and there will be a bus that will be dropping off and picking up so there will be carpooling and buses. Ms. Chiasson stated that one of the concerns was that there will be continuous noise on the playground and it was emphasized during the Planning Commission meeting that the playground is mainly going to be a staging area where children when they are dropped off is kind of a group area before they go inside, it will not be a full time playground.

John Fuog of 510 East Main Street came forward to speak. Mr. Fuog stated that he has a business in Town and has been here since 1988 he does not know the applicant but heard about the project and wanted to speak in favor of it. He stated that it takes a lot of guts to make this investment, she will be teaching kids and providing a needed industry that is needed in the Town, she will be creating jobs and paying taxes and he believes that this facility needs to be used again and needs to have life put back into it. He respects the opinions of the neighbors and the frustrations that they must share and he applauds the neighbor that is trying to mitigate the issues. He truly believes that this is a good thing for the Town and the community.

Nancy Prestipino of 20 South Hughes Street came forward to speak. She stated that she has been a resident of the County since 1993, she has owned a townhouse in Purcellville since

2000 but she now lives in Hamilton. Ms. Prestipino stated that she is a full time musician and has been for her entire life and she is a local performer here in Town. She stated that her involvement in this project came when she received a call regarding having a call at the school. She stated that she is currently a full time music teacher at a Montessori school in Ashburn, VA and she has been there for seven years. She stated that the beauty of this Montessori school, as will be the beauty of this school, Debbie has the ability to pull people together who are creative thinkers and work well within their own medium and work well with children. She stated that children are our future and if we do not give to our children what they need and want then how can the Country be the Country that it has been. Having the joy of music is a big part of that because it helps, when you are happier you make happier decisions and it is better for the world in general. She read the following “the mystery and magic of music is as old as the first sounds ever uttered by man, it is an unspoken yet deeply felt connection that we have all shared whether we are musicians or not. Think of your life without music, can you, you cannot. My goal in my music class is to guide the children in their discovery of the magic in themselves through the music and they in return teach me about my deeper connection with life and everything around it. Music is a totality of four things, the center and most important is the rhythm, the three others that complete the picture are the pitch, the movement and the lyric. There is a method of teaching music called Orff Schulwerk, it is a very specialized program you have to take a course for it, it is very intensive and very expensive and people come from all over the world to take the course, I am level two certified so her ability to teach music is beyond just her natural ability of what I do naturally. I with the children, move and clap and rhythm, we dance, sing, jump, do drama skits, make statues when the music stops and play procession instruments. The Orff Schulwerk is big on non pitched rhythm instruments, we do two and three part ensembles, it is a delicate balance between total uninhibited creativity and control but in the end the goal is to love music.” I also want to speak to the school being in a residential area, the Montessori Academy at Belmont Greene is in a residential area, there I a house right next to the school, it is a big school with 200 children and goes from infants to third grade, the noise is never a problem for the neighbors and these kids are on the playground playing, secondly with traffic the school does not have buses but we have a very organized way of unloading kids, parents line up and the teachers come out to pick up the kids from the cars, it moves so swiftly and smoothly that you can’t believe there is traffic at all. Ms. Prestipino stated that our schools are very good in lots of ways but there are children who need and want more and if given the opportunity to have that then we will all benefit.

Tsuya Weshinskey of 505 East Skyline Drive came forward to speak. She stated that she is here in support of the Accomplished Child, she is a mother of two who has great hopes of sending her two children there soon, a note on traffic, she would be bringing two children so that would only be one car, not two, her oldest child will be in kindergarten and will come on a bus. She stated that as far as playground noise goes the kids will only be out there 15 minutes twice a day also the level of the fence is taller than the average child that will be there. Ms. Weshinskey stated that this is a need in this community, she moved here 3 years ago and she has done nothing but hopped from one sitter to the next she has had 15 different day care providers and we only have one center here in Town and that is not what she wants

for her child. She stated that this is a need for the Town right now they are taking their money outside of the Town for child care and they don't want to do that, they want to support the Town but there is nothing to offer the children outside of a short term preschool program. She stated that this is a cutting edge program and she sees this as a huge support for the Town and the surrounding area and hopes that the Council will approve this.

Paul Kakol of 221 South 20th Street came forward to speak. Mr. Kakol stated that he lives right behind the old Rescue Squad, he stated that he believes this is an incredible project, he has a four year old himself that goes to a very expensive day care in Ashburn because there isn't anything like this around and he believes it's a great idea, however there are concerns, he lives right behind the building and he is a police officer. There was a communication problem where they thought the playground was going to be off set a bit but it leads right up to the fence which is right up to his bedroom window. His partner lives in the apartment upstairs and she is also a police officer that works shift work and this will impact her. He believes this is a great idea but he would urge the Council to come up with something that will help the residents that will be impacted. Mr. Kakol stated that if things remain the way they are proposed it will impact him and his partner.

Eric Zicht representative for the applicant came forward to speak. He stated that he was asked to do an abbreviated traffic study of the project and he used the standard methods. He stated that VDOT has traffic counts for 20th Streets from 2009 so that was the basis for establishing existing conditions on 20th Street. He stated that the Institute of Traffic Engineers publishes a book that has the accepted standard traffic generation rates for different types of businesses and for this nursery school and a day care are both the same, they consider the peak to be a two hour period in the morning and another one in the evening which are the same time commuters are on the street. He stated that he came out with very low numbers and he decided to force the peak two hour traffic into a half hour trip so he multiplied all of the traffic by four so in doing so he got negative two trips so there are no negative conflicts on 20th Street to make left turns in or out of the site. Mr. Zicht also went over other issues that staff and residents had relating to the application.

There being no further public comment the hearing was closed.

The Town Council went over several items with the applicant regarding the application.

Council member Lehr made a motion that the Town Council approve Accomplished Child Special Use Application for a child day care operation located at 211 South 20th Street with the following conditions:

- 1) the maximum capacity for the center shall be limited to 40 children on site at one time; and
- 2) there shall be maintained at all times a minimum of 3,000 square feet of useable outdoor recreation space, this are shall be suitably fenced; and

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- 3) there shall be maintained at all times a minimum of 1,000 square feet of useable indoor recreation space; and
- 4) the applicant shall be licensed by the Virginia Department of Social Services and the Department of Health within 120 days of issuance of the Occupancy Permit; and
- 5) the applicant shall observe hours of operation, weekdays, 6:30AM to 9:00 PM, weekends 9:00AM until 7:00 PM; and
- 6) the applicant shall maintain a safe and orderly pick up and discharge area on site; and
- 7) the operator shall provide adequate signage, pavement markings and other directional aids to direct pick up and drop off vehicles to que up in an orderly and safe manner as shown on the site plan; and
- 8) any exterior lighting not previously installed and approved as of the Town Council's date of action on the Special Use Permit shall be approved by the Zoning Administrator prior to the installation of said fixtures, any such fixtures shall have to conform to the current Zoning Ordinance, current fixtures that are non functional can be replaced with like fixtures at any time; and
- 9) prior to placing signage on the building the operator will obtain the appropriate sign permits to include approval by the BAR; and
- 10) special events, recitals, meetings, concerts, graduations, etc., that require additional parking shall not be allowed unless adequate parking arrangements have been approved by the Zoning Administrator prior to the event; and
- 11) no outdoor activity shall occur on the premises prior to 9AM or after 6:30PM.

Council member Wagner offered a substitute motion that the question be passed to the next regularly scheduled Ways and Means Committee meeting in order to further review the list of items that Council member Lehr has proposed and include any others that may need to be reviewed by the Town Attorney or the Community Development Director and the applicant.

Council member Wagner amended his motion to request that this item be forwarded to a reconvened Town Council meeting on Monday, June 6, 2011 at 8PM.

Motion: Council member Wagner
Carried: 4-2 with Lehr and Wiley
voting Nay and Priscilla absent

RECESS:

They're being no further business the meeting recessed at 9:37 PM until Monday, June 6, 2011 at 8:00 PM.

Robert W. Lazaro, Jr., Mayor

Jennifer L. Helbert, Clerk of Council